
Appeal Decision

Site visit made on 28 July 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2020

Appeal Ref: APP/Z4718/W/20/3249189

330 Leymoor Road, Golcar, Huddersfield HD7 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs John Crawford against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/93527/W, dated 24 October 2019, was refused by notice dated 17 February 2020.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal on the Council decision notice is different to that on the application form. The former description more clearly and succinctly describes the proposal and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i. The effect of the positioning of the dwelling on its functionality;
 - ii. the effect of the proposal on the character and appearance of the area; and
 - iii. the effect of the proposal on the safety of the users of the adjacent bridleway.

Reasons

4. The proposal relates to a 4-bedroom detached dwelling which would be positioned on open land to the north west of a well-established terrace of residential dwellings. The evidence indicates that the application site is situated directly adjacent to, but outside of the Green Belt.

Positioning on site

5. Although the evidence indicates that land to the north of the proposed dwelling is within the control of the applicant, it does not indicate that it is included within the application site. The plans indicate that this land, identified as being within the Green Belt, would form a garden area, presumably to be used in conjunction with the proposed dwelling. Given that the evidence suggests this

land is outside of the boundaries of the application site, the acceptability or otherwise of that use is not before me to consider.

6. North west and north east facing elevations on the dwelling would be built almost directly adjacent to the boundaries of the application site with the land detailed above. Given the very close proximity that the dwelling would have to this land, the proposal effectively relies on the suggested garden land outside of the application site in order to appropriately service the dwelling.
7. It would appear difficult for future occupants to gain proper access along the very narrow sections of land beyond the rear elevations of the dwelling within the application site to the rear door and windows. The positioning of the dwelling so close to the site boundary is uncomfortably unresolved and represents poor design that has the potential to significantly limit the functionality of the dwelling for future users.
8. I therefore conclude on this issue that the proposal, by reason of its positioning would represent poor design. As a result, it would conflict with Policy LP24 of the Kirklees Local Plan (2019) (KLP) which amongst other things seeks to promote good design by ensuring that proposals provide a high standard of amenity for future occupiers. The proposal would also conflict with The National Planning Policy Framework which amongst other things at Paragraph 127 states that planning decisions should ensure that developments will function well.

Character and appearance

9. The proposal relates to a large detached dwelling. Although it would significantly alter the character and appearance of the site, which although overgrown does not appear to host any form of development, well sized detached dwellings are common within the immediate area and form the main dwelling type on Spring Side Rise which sits closely to the west of the appeal site.
10. Views towards the site would most commonly be taken from the Bridleway, which runs along the south west boundary of the site, or from open land to the north and northwest which is crossed by various tracks and paths. However, when viewed from these vantage points, the dwelling and the parking space proposed on its north west side would be read against the existing residential development. The proposal would not therefore be overly visually prominent and would not compromise the character and appearance of the area.
11. I conclude on this matter that for the reasons identified above, the proposal would not have a detrimental impact on the character and appearance of the area. It would therefore accord in this particular respect with Policy LP24 of the KLP which amongst other things seeks to promote good design by ensuring that the form and scale of all development respects and enhances the character of the townscape, heritage assets and landscape.

Effect on bridleway

12. The bridleway running to the west of the site appeared well used at the time of my site visit on a weekday mid-morning. Although this represents only a snapshot in time, I have no reason to believe that this was not broadly representative of the prevailing situation.

13. However, vehicular comings and goings in association with one dwelling would likely be limited in number. There is good visibility along the section of bridleway over which both vehicles and other traffic would pass, meaning that all users would be able to see each other and have time to react appropriately.
14. Any vehicle accessing the proposed parking space to the north west of the dwelling would be likely to be moving at a low speed. Further, the surfacing on this section of the bridleway is poor and the improvement and rationalisation of the surface of this small section of the bridleway would not be of disbenefit. Further, it is not uncommon for vehicular traffic to share a bridleway with other users, especially for short sections. Were I minded to allow the appeal, matters relating to the bridleway could have been dealt with via condition.
15. Therefore, for the reasons above I do not consider that the proposal would result in conflict between users of the Bridleway. As a result, the proposal would not in this particular respect conflict with Policies LP20 or LP24 of the KLP, which amongst other things seek to promote sustainable transport and make walking and cycling more attractive.

Conclusion

16. Taking all relevant matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR